

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Patrick Jay Lutz et al.

Application No.: 10/644,578

Confirmation No.: 5199

Filed: August 20, 2003

Art Unit: 1616

For: STABLE, LOW FREE FORMALDEHYDE,
SYNERGISTIC ANTIMICROBIAL
COMPOSITIONS OF ALDEHYDE DONORS
AND DEHYDROACETIC ACID

Examiner: D. P. Stitzel

RESPONSE TO REQUIREMENT FOR RESTRICTION
AND SPECIES ELECTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In an Office Action dated October 13, 2006, the Examiner requires restriction to one of the following invention groups:

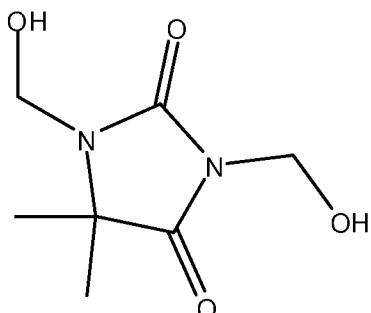
- I. Claims 1-11, drawn to an antimicrobial composition comprising one or more aldehyde donors, a stabilizer, and a dehydroacetic acid or salt thereof;
- II. Claim 12, drawn to a method of preparing the antimicrobial composition;
- III. Claims 13-15, drawn to a method of inhibiting the growth of or reducing microorganisms by applying the antimicrobial composition to a product or system; or
- IV. Claims 16-19, drawn to a product comprising the antimicrobial composition.

Applicants traverse the restriction requirement and request reconsideration. “If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits.” MPEP § 803 (emphasis added). Applicants respectfully submit that the entire application can be examined without serious burden.

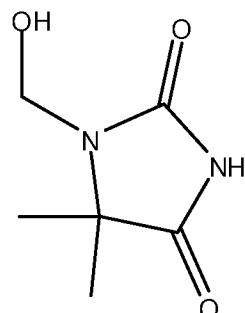
Group I relates to antimicrobial compositions comprising one or more aldehyde donors, a stabilizer, and a dehydroacetic acid or salt thereof. Group II relates to a method of preparing an antimicrobial composition comprising these three components. Group III relates to a method of inhibiting the growth of or reducing microorganisms by applying a composition of Group I. Group IV relates to a product comprising a composition of Group I.

A search of the prior art for the compositions of Group I will uncover all prior art relevant to Groups II-IV. If the claims of Group I are allowable over the prior art, so too are the claims of the remaining groups. Accordingly, the entire application can be examined without serious burden, and the restriction requirement should be withdrawn. Nevertheless, in order to be fully responsive, Applicants provisionally elect with traverse Group I, claims 1-11.

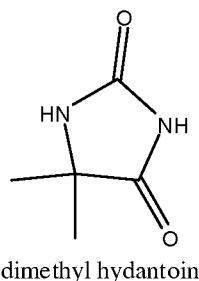
The Examiner also requires the election of, for search purposes only, a single species of an aldehyde donor or a specific mixture of aldehyde donors and a single species of stabilizer. Applicants provisionally elect a mixture of 1,3-dimethylol-5,5-dimethylhydantoin (DMDMH) and 1-methylol-5,5-dimethylhydantoin (MMDMH) as an aldehyde donor. Claims 1 and 3-5 are readable on the elected species. Applicants provisionally elect dimethyl hydantoin as a stabilizer. Claims 1 and 6 are readable on the elected species. As requested, the chemical structures of the elected species are provided below.



1,3-dimethylol-5,5-dimethylhydantoin



1-methylol-5,5-dimethylhydantoin



dimethyl hydantoin

Applicants respectfully request prompt and favorable action on the merits. If there are any issues remaining that the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is requested to contact the undersigned at the telephone number indicated below.

Dated: December 13, 2006

Respectfully submitted,

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